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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/754,625 | 01/04/2001 | Shuzo Yoshii | 250A 3009 | 3614 |

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03/24/2006

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EXAMINER

SHERR, CRISTINA O

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 03/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/754,625

Applicant(s)

YOSHII, SHUZO

Examiner

Cristina Owen Sherr

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/05/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. This communication is in response to applicant's amendment filed October 5, 2005. Claim 1 has been amended. Claims 1-8 are pending in this case.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 5, 2005 has been entered.

Response to Arguments

3. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barber (US 6,502,193B1).
6. Regarding claim 1 –

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Barber discloses a customer information collection method in which personal information of an individual who downloads and uses digital information is collected as customer information by a third party other than said individual as a result of said third party acquiring rights to use said digital information, said customer information collection method comprising the steps of receiving an indication of a desire to use digital information from an individual, prompting said individual who has indicated said desire to input his/her own personal information as customer information, collecting and compiling said inputted personal information, and sending a password to said individual so that said individual can use said digital information (col 2 ln 18-40), (col 3 ln 1-4).

7. Barber does not specifically disclose paying the fee for using said digital information to the owner of said digital information in accordance with the number of said password issued. However, it would be obvious to one of ordinary skill in the art that "(w)ithout the connect information, the user cannot simply substitute unrestricted tools for a restricted software application and so gain access to data for which they are not authorised and the security system will block the user from getting the connect information." (col 2 ln 62-67). It is obvious that a well-known manner of acquiring such authorization is pay a fee, and that those users who have not paid the fee do not get view or use the information.

Regarding claim 2 –

Barber discloses the customer information collection method according to Claim 1, wherein said digital information is downloaded by said individual via an electrical communications means (col 2 ln 33-36).

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8. Regarding claim 3 –

Barber discloses the customer information collection method according to Claim 1, wherein said customer information includes at least information concerning the name, age, gender and e-mail address of said individual (col 3 ln 52-61). Barber discloses only a “user profile” without specifics as to the information therein. It would be obvious to include different types of information in a user profile, among them name, gender, age, et cetera.

9. Regarding claim 4 –

Barber discloses the customer information collection method according to Claim 1, further comprising a step in which a collected customer information data is processed, and a database is constructed and controlled (Col 5 ln 26-39).

10. Regarding claim 5 –

Barber discloses a customer information collection system in which personal information of an individual who downloads and uses digital information is collected as customer information by a third party other than said individual as a result of said third party acquiring rights to use said digital information, said customer information collection system comprising: a means which receives an indication of a desire to use digital information from an individual, a means which prompts said individual who has indicated said desire to input his/her own personal information as customer information, a means that sends a password to said individual so that said individual can use said digital information (col 2 ln 18-40).

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11. As above, Barber does not specifically disclose paying the fee or using a password for using said digital information to the owner of said digital information in accordance with the number of said password issued. However, it would be obvious to one of ordinary skill in the art that "(w)ithout the connect information, the user cannot simply substitute unrestricted tools for a restricted software application and so gain access to data for which they are not authorised and the security system will block the user from getting the connect information." (col 2 ln 62-67). It is obvious that a well-known manner of acquiring such authorization is to acquire a password, and that those users who have not acquired the password (a type of "connect information") do not get view or use the information.

12. Regarding claim 6 –

Barber discloses the customer information collection system according to Claim 5, wherein said digital information is downloaded by said individual via an electrical communications means (col 2 ln 33-36).

13. Regarding claim 7 –

Barber discloses the customer information collection system according to Claim 5, wherein said customer information includes at least information concerning the name, age, gender and e-mail address of said individual (col 3 ln 52-61). As above, Barber discloses only a "user profile" without specifics as to the information therein. It would, however, be obvious to include different types of information in a user profile, among them name, gender, age, et cetera.

14. Regarding claim 8 –

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Barber discloses the customer information collection method according to Claim 5, further comprising a means in which a collected customer information data is processed, and a database is constructed and controlled (Col 5 ln 26-39).

15. Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may be applied as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

17. Dedrick (US 5,768,521A) discloses a general purpose metering mechanism for distribution of electronic information.

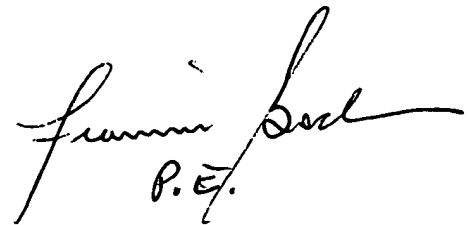
18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina Owen Sherr whose telephone number is 571-272-6711. The examiner can normally be reached on 8:30-5:00 Monday through Friday.

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19. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

20. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

COS
03/06/06



James Trammell
P.E.